

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
GAINESVILLE DIVISION

JAMES FINCH and JUSTIN FINCH,	)	
a Minor, by and through his	)	
next friend Kim Biondi, and	)	CIVIL ACTION FILE
The Estate of Ricky G. Finch,	)	NO. 2:10-CV-0062-WCO
by and through the Temporary	)	
Administrator of his estate,	)	
James Nelson Finch,	)	
	)	
Plaintiffs,	)	
	)	
-v-	)	
	)	
DONALD SHANE BROWN, in his	)	
Individual capacity, and	)	
PHILLIP STANLEY, in his individual	)	
capacity,	)	
	)	
Defendants.	)	
	)	

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**PLAINTIFFS' UNILATERAL MOTION TO  
EXTEND THE TIME FOR DEFENDANTS  
TO FILE THEIR FIRST RESPONSIVE  
PLEADING TO PLAINTIFFS' COMPLAINT**

COME NOW the Plaintiffs, by and through their counsel, and unilaterally move the Court to Extend the Deadline for Defendants to file their First Responsive Pleading, showing the Court as follows:

1.

Defendants Brown and Stanley were served with process, respectively, on April 16, 2010 and April 22, 2010.

2.

Thus, Defendant Brown's First Responsive Pleading is due on May 7, 2010 and Defendant Stanley's is due on May 13, 2010.

3.

On May 4, 2010, the undersigned was notified by Attorney G. Kevin Morris that an insurance carrier would be providing the Defendants with a defense; however, it was still unclear whether a conflict existed between the Defendants that would necessitate separate counsel for each Defendant.

4.

The undersigned has worked with Mr. Morris numerous times before and believes that a good faith effort is being made to insure that the Defendants are provided defense counsel that is free of conflict.

5.

Therefore, in light of the foregoing, the Plaintiffs unilaterally move the Court to extend the deadline for the Defendants to file their First Responsive Pleading.

6.

Plaintiffs believe that May 31, 2010 is a reasonable extension and respectfully request that the Court modify the current deadline to allow both Defendants to file their First

Responsive Pleading no later than May 31, 2010, without default or waiver of any kind.

WHEREFORE, Plaintiffs respectfully request that the Court inquire into this matter and extend the deadline for the Defendants to file their First Responsive Pleading to include May 31, 2010.

This 6th day of May, 2010.

/s/ Brian Spears  
BRIAN SPEARS  
Georgia Bar No. 670112  
Attorney for Estate of Ricky Finch

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404-892-1128  
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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the within and foregoing ***PLAINTIFFS' UNILATERAL MOTION TO EXTEND THE TIME FOR DEFENDANTS TO FILE THEIR FIRST RESPONSIVE PLEADING TO PLAINTIFFS' COMPLAINT*** by electronic filing through the CM/ECF system in accordance with the United States District Court rules to:

Phillip Stanley  
1461 Cronin Town Road  
Auburn, GA 30011

Donald S. Brown  
169 Mintz Road  
Maysville, GA 30558

This 6th day of May, 2010.

/s/ Brian Spears